

1 Turell L. Barnes *SR.*  
2 909 Marina Village Pkwy, #107  
3 Alameda, California 94501  
4 TELEPHONE: (510) 812-9895  
5 "In Pro Se"  
6

**FILED**  
NOV 18 2013  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

*IFD*  
*ND*  
*CS*

7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9

10 Turell L. Barnes *SR.*  
11 Plaintiff,  
12 vs.  
13 Eugene Schneider AND Judge Cecilia P.  
14 Castellanos, and State of California  
15 And DOES 1 through X, inclusive  
16 Defendants,  
17 \_\_\_\_\_/  
18 \_\_\_\_\_

Case No.: **13-5333**  
JURY TRIAL DEMANDED  
Complaint Civil Rights Action  
Declaratory and Injunctive  
Relief

*SBA*

19 Plaintiff Turell L. Barnes, alleges causes of action  
20 against defendants Eugene Schneider, Judge Cecilia P. Castellanos, STATE OF  
21 CALIFORNIA, American Contractors Indemnity and Liberty Mutual Insurance  
22 Company.  
23

24 I. JURISDICTION AND VENUE

25 1. This Court has jurisdiction pursuant to Title 42 section 1983 action,  
26 due to willful acts of violation of laws, depriving Mr. Turell L.  
27 Barnes of his rights and privileges, immunities secured or protected by  
28 the Constitution or law of the United States

II. STATEMENT OF THE CASE

2. Plaintiff alleges the that on or about September 26, 2007, an illegal probate was filed against Turell L. Barnes real property commonly known as 6919 Hamilton Street, Oakland, California by Eugene Schneider and client Armaline Childress. Eugene Schneider failed to provide Notice of Hearing to any heirs or party of interest, thereby violating the statutory laws that govern Probate.

3. Plaintiff further alleges that while acting under the authority of a judicial officer, Judge Cecelia P. Castellanos willfully deprived Mr. Barnes of rights protected by the Constitution, by doing the following acts:

- a. By appointing Eugene Schneider as Special Administer, prior to Mr. Eugene Schneider requesting relief of counsel, due to his client going missing in action.
- b. Allowing proceeding in a close probate to continue.[dropped from calendar May 24, 2010]
- c. Disregarding to adhere to the due process, equal protection and judicial procedures.

III. DAMAGES

4. Plaintiff incorporated by this reference the facts and allegations contained within paragraphs 1 through 3, as though fully set forth herein.

5. Plaintiff alleges that upon the disregards to adhere to due process, equal protection, judicial procedures, plaintiff was deprived enjoyment

1 of his real property. Resulting in an loss of ownership of the real  
2 property and slander of the title, causing an injury in the sum of  
3 \$1,000,000.00.

4  
5 **IV. Previous Lawsuit and Administrative Relief**

6 6. Plaintiff incorporated but this reference the facts and allegations  
7 contained within paragraphs 1 through 5, as though fully set forth  
8 herein.

9 7. Plaintiff alleges that several court cases was filed after the Probate,  
10 by the attorney of record Eugene Schneider served a proof of service to  
11 any heirs or party of interest. Case P-250345 was filed on May 15,  
12 1998, Case RG08398073 was filed on July 14, 2008, and Case RG10552492  
13 was filed on 12/20/2010. Plaintiff filed complaints to judicial  
14 performance, and state audit to no avail.

15  
16 **ISSUE FIVE**

17 **(DECLARATORY RELIEF AGAINST DEFENDANTS)**

18 8. Plaintiff hereby restates and reincorporates by reference paragraphs 1  
19 through 14above as though fully set forth herein.

20 9. An actual controversy exists between plaintiff and defendants, relating  
21 to the civil rights and legal duties of the respective parties arising  
22 out of the equal protection of all citizens.

23 **WHEREFORE** Plaintiff pray for judgment against the defendants, and each of  
24 them as follows:

- 25  
26 1. Plaintiff be awarded compensatory damages in the sum \$1,000,000.00  
27 2. Plaintiff is awarded punitive damages in the sum of \$1,000,000.00  
28 3. Plaintiff request that all judgment enter by the judicial officers

1 within the above cases be null and void.

2 4. Plaintiff request that the title of the subject property be restored  
3 reflecting Turell L. Barnes as owner.

4 5. Cost of suit and, for such other and further relief, as the court deems  
5 proper.

6 I declare under penalty of perjury under the laws of the United States  
7 of America that the foregoing is true and correct Executed on November  
8 14, 2013.

9  
10  
11   
12 Turell L. Barnes